IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

Mahendra Kumar Sharma Vs. State of Rajasthan & Ors.

S.B.CIVIL WRIT PETITION NO. 5899/2005

DATE OF ORDER : 18.5.2007

PRESENT

HON'BLE MR.JUSTICE H.R.PANWAR

Mr. Sanjay Vyas, for the petitioner.
Mr. B.L.Tiwari, Dy.G.A.
Mr. Dilip Mulchandani for respondent NO.5.

BY THE COURT:

By the instant writ petition under Article 226 of the Constitution of India, the petitioner has challenged the order Annexure-3 dt. 11.07.2005 transferring him from Panchayat Samiti, Sriganganagar to Panchayat Samiti, Asind and order Annex.4 dated 15.7.2005 whereby, since the petitioner was working at Panchayat Samiti Padampur, therefore, in place of Panchanat Samiti, Sriganganagar, the word 'Panchayat Samiti, Padampur' was ordered to be read.

I have heard learned counsel for the parties.

The effect and operation of the order Annexure-3 has been stayed by this Court vide order dt. 29.9.2005 qua the petitioner and by virtue of the interim stay order, the petitioner has been continuing at the place from where he was transferred for about one and half years. In my view, no useful purpose will be served in allowing the orders impugned to stand qua the petitioner after such a long time because by now the post to which the petitioner was said to have been transferred must have been managed by the respondents by some alternate.

In this view of the matter, the writ petition is allowed. The orders impugned Annex.3 dated 11.7.2005 and Annex.4 15.7.2005 qua the petitioner are set aside. However, it will be open for the respondents to pass a fresh order, if service exigency so requires. Stay petition stands disposed of. There shall be no order as costs.

[H.R.PANWAR],J.

rp.